

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5

FORESTRY AND WILDLIFE

PART 2

WILDLIFE

CHAPTER 122

RULES REGULATING GAME BIRD HUNTING,

FIELD TRIALS AND COMMERCIAL

SHOOTING PRESERVES

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Historical Note: Chapter 122 of Title 13, Hawaii Administrative Rules, is based substantially upon Regulation 3 [Eff 12/9/43; am 3/17/47; am 1/26/48; am 12/27/48; am 9/13/49 (Gov. approved); am 10/10/50 (Gov. approved); am 9/24/51; am 8/10/53; 10/22/54; am 10/10/55; am 10/4/56;

am 10/19/57; am 10/6/58; am 1/5/59 (Gov. approved); am 7/18/59 (Gov. approved); am 9/7/60 (Gov. approved); am 9/11/61; am 7/1/62; am 10/19/62; am 9/9/63; am 10/23/64; am 11/1/65; am 11/4/66; am 10/10/68; am 10/30/69; am 10/23/72; am 11/2/73; am 10/14/77] and Regulation 21 [Eff 10/13/56; am 3/28/58 and ren Regulation 4; am 1/5/59 (Gov. approved); am 9/7/60 (Gov. approved); am 9/23/61] of the Division of Fish and Game, Department of Land and Natural Resources. [R 9/28/81] am 7/1/96 of the Division of Forestry and Wildlife, Department of Land and Natural Resources

## SUBCHAPTER 1.

### PUBLIC GAME BIRD HUNTING

§13-122-1 Purpose. The purpose of these rules is to regulate game bird hunting, field trials and commercial shooting preserves. [Eff 9/28/81; comp

Nov 06 1999] (Auth: HRS §§183D-3, 183D-31, 183D-34) (Imp HRS §§183D-2, 183D-3, 183D-4)

§13-122-2 Definitions. As used in these rules unless context requires otherwise:

"Administrator" means the administrator of the

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division of forestry and wildlife.

"Board" means the board of land and natural resources.

"Cooperative game management or cooperative hunting area" means privately owned lands or State lease lands where the landowner or lessee has entered into an agreement with the State, granting the board authority to engage in activities that are mutually agreed upon for the purposes of game enhancement or public hunting or both, as are stipulated in the agreement.

"Department" means the department of land and natural resources.

"Disabled hunter" means a hunter who has an impairment that substantially limits one or more of that person's major life

activities.

"Division" means the division of forestry and wildlife.

"Field trial" means the judging of performance of field dogs in locating, holding and retrieving game birds released for such purposes.

"Game bird" means those birds designated by law or rule for hunting.

"Hunter" means a person who pursues with the means to take, kill or capture wildlife. On public hunting areas a person who has the appropriate hunting license, tags, permits, or permit tags on their person and who has signed in at a hunter checking station is deemed to be a hunter, until such time as they have signed out at a hunter checking station.

"Hunter assistant" means a person who accompanies a hunter and assists by carrying game or an unloaded weapon. Hunter assistants may not have fireable cartridges or muzzleloading firing components in their possession.

"Hunting" means the act of pursuing with the means to take, kill or capture wildlife.

"Muzzleloading firearm" means a firearm that must be loaded through the discharge end of the firearm or the barrel and that employs flint or percussion ignition.

"Private land or hunting area" means those lands that are not State-owned, where hunting for game birds and mammals occurs.

"Public highway" means any roadway that is under the jurisdiction of the State Department of Transportation or any of the Counties. Access roads on public hunting areas that are maintained by the

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Department of Land and Natural Resources are not considered to be public highways.

"Public hunting area" means those lands designated by the board as public hunting areas where the public may hunt game birds and mammals, including:

- (1) Game management areas;
- (2) Forest reserves and surrendered lands;
- (3) Natural area reserves;

- (4) Restricted watersheds;
- (5) Cooperative game management areas;
- (6) Military training areas;
- (7) Unencumbered State lands;
- (8) Designated sanctuaries; and
- (9) Other lands designated by the board.

"Safety zone" means an area within or adjacent to a public hunting area, where possession of a loaded weapon or the discharge of firearms or other weapons is prohibited to prevent a hazard to people or property.

"Senior citizen" means a person who is sixty-five years of age or older.

"Youth hunter" as it pertains to specifically designated youth hunts, means a person who is fifteen years of age or younger, who possesses a valid State of Hawaii hunting license and who may take, kill or capture wildlife. Youth hunters must be accompanied by a non-hunting adult, who also possesses a valid State of Hawaii hunting license.

[Eff 9/28/81; am and comp 7/1/96] (Auth: HRS §§183D-3, 183D-31) (Imp: HRS §§183D-2, 183D-3, 183D-4, 183D-31)

§13-122-2.1 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff and comp 7/1/96] (Auth: HRS §§183D-2, 183D-3) (Imp: §§183D-2, 183D-3)

§13-122-3 Prohibited hunting. No person shall hunt, kill, or have in their possession any game bird except with a valid hunting license from the department and except as provided by this chapter and the following exhibits which are located at the end of this chapter

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and by reference made a part hereof:

- (1) Chapter 122, Exhibit 1, "Game birds to be taken,

daily bag limits, hunting periods, hunting days, and special conditions for the Island of Hawaii." ( );

(2) Chapter 122, Exhibit 3, "Game birds to be taken, daily bag limits, hunting periods, hunting days, and special conditions for the Island of Maui." ( );

(3) Chapter 122, Exhibit 5, "Game birds to be taken, daily bag limits, hunting periods, hunting days, and special conditions for the Island of Molokai." ( );

(4) Chapter 122, Exhibit 7, "Game birds to be taken, daily bag limits, hunting periods, hunting days, and special conditions for the Island of Lanai." ( );

(5) Chapter 122, Exhibit 9, "Game birds to be taken, daily bag limits, hunting periods, hunting days, and special conditions for the Island of Oahu." ( ); and

(6) Chapter 122, Exhibit 11, "Game birds to be taken, daily bag limits, hunting periods, hunting days, and special conditions for the Island of Kauai." ( ).

As herein after used in this chapter, references made to Exhibits 1, 3, 5, 7, 9, or 11 shall mean the exhibits listed in this section. [Eff 9/28/81; am and comp Nov 06 1999 ] (Auth: HRS §183D-3) (Imp: HRS §§183D-2, 183D-3, 183D-4, 183D-31)

§13-122-4 Bag limits, open seasons and hunting days. (a) Bag limits, open seasons, hunting days, and game birds that may be hunted are listed in Exhibits 1, 3, 5, 7, 9, and 11, located at the end of this chapter and by reference made a part hereof.

(b) The board or its authorized representative may add conditions and restrictions for hunts; set bag limits; limit, suspend, or postpone the hunting of any game bird, or hunting in any area open to hunting, including cooperative hunting areas and natural area reserves; lengthen hunting seasons; and open special hunting areas or seasons; whenever, after study by the division, the action is deemed to be in the public interest. Where special conditions are needed for a

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particular hunt, they shall be prescribed on specially prepared instruction sheets for that specific hunt, which by reference shall be made a part hereof these rules. [Eff 9/28/81; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §§183D-2, 183D-32)

§13-122-5 Selection of hunters. (a) The board or its authorized representative shall have the authority to limit the number of hunters and to determine eligible hunters or assign hunting dates through a random selection method.

(b) The board or its authorized representative will follow policies and procedures for the fair and equitable selection of eligible hunters including, but not limited to, the following procedures:

- (1) Random drawing;
- (2) Telephone reservations; and
- (3) Other appropriate methods.

(c) These administrative policies and procedures referenced in Items 1, 2, and 3 of section (b) above will be available as public information. [Eff 9/28/81; am and comp Nov 06 1999 ] (Auth: HRS §183D-3) (Imp: HRS §§183D-2, 183D-3)

§13-122-5.1 Applications, tags, and stamps. (a) The department shall have the authority to require application forms for the selection of hunters and may require the use of tags or stamps or both, for purposes of hunting game birds. The department may establish fees for wildlife stamps, application fees, and tags for special or lottery hunts; and determine the manner in which such tags or stamps may be affixed, displayed, or utilized. Fees set for each of the following: application fees, tags, and stamps shall not exceed the cost of a hunting license, with the exception that the board reserves the right to establish higher application fees for specific hunts that require special accommodations including, but not limited to, helicopter transportation costs.

(b) The department shall have the authority to contract with an individual or a commercial stamp art firm to design, print, and provide said stamps to the department at no cost to the State.

Further, the contracted party

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or firm, as consideration for providing the stamps to the department, upon approval of the board may produce and offer for sale, art prints

of the selected wildlife stamp artwork and other products that display copies or replicas of that same artwork. Royalties or fees or both shall be paid to the department from such sales, which shall be deposited into the department's wildlife revolving fund. [Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §§183D-2, 183D-3, 183D-10.5)

§13-122-6 Permitted hunting of certain game birds. The hunting of the following game birds is permitted with a valid hunting license and in accordance with Exhibits 1, 3, 5, 7, 9, and 11 and the provisions of this chapter:

- (1) Ring-necked Pheasant (Phasianus colchicus)
- (2) White-winged Pheasant (Phasianus colchicus sub species)
- (3) Green Pheasant (Phasianus versicolor)
- (4) Kalij Pheasant (Lophura leucomelana)
- (5) California Quail (Callipepla californicus)
- (6) Gambel's Quail (Callipepla gambelii)
- (7) Japanese Quail (Coturnix coturnix japonica)
- (8) Spotted Dove (Streptopelia chinensis)
- (9) Barred Dove (Geopelia striata)
- (10) Mourning Dove (Zenaida macroura)
- (11) Chestnut-Bellied Sandgrouse (Pterocles exustus)
- (12) Chukar (Alectoris chukar)
- (13) Gray Francolin (Francolinus pondicerianus)
- (14) Black Francolin (Francolinus francolinus)
- (15) Erckel's Francolin (Francolinus erckelii)
- (16) Wild Turkey (Meleagris gallopavo); and
- (17) Other game birds the division may establish and designate. [Eff 9/28/81; am and comp Nov 06 1999 ]  
(Auth: HRS §183D-3) (Imp: HRS §§183D-3, 183D-31, 183D-32)



§13-122-7 Prohibited hunting of certain game birds. No person shall hunt, kill, or have in their possession any of the following game birds unless

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authorized by the division:

(1) Bamboo Partridge (Thoracica bambusicola); and

(2) Other game birds the division may establish and designate. [Eff 9/28/81; am and comp; Nov 06 1999]  
(Auth: HRS §183D-3) (Imp: HRS §§183D-3, 183D-31, 183D-32)

§13-122-8 Hunting hours. Hunting is permitted from one-half hour before sunrise to one-half hour after sunset for all legal game birds unless otherwise designated. No person shall hunt during the period from one-half hour after sunset to one-half hour before sunrise. [Eff 9/28/81; am and comp Nov 06 1999 ] (Auth: HRS §183D-3) (Imp: HRS §§183D-3, 183D-27, 183D-32)

§13-122-9 Mourning doves. The following conditions and restrictions apply to the hunting of mourning doves:

(1) Only shotguns, not larger than No. 10 gauge and incapable of holding more than three shells, using BB or smaller shot, or bows and arrows are permitted.

(2) Rifle-shotgun combination firearms and arrows equipped with explosive heads or heads containing drugs or poison are prohibited.

(3) Bird calls may be used except for recorded or electrically amplified bird calls or sounds.

(4) Mourning doves may be taken on or over standing crops or over lands where grain or other crop residue remains as a result of valid agricultural operations or procedures.

(5) The use or aid of live birds as decoys is prohibited.

(6) One fully-feathered wing must remain attached to each mourning dove while being transported by any means.

(7) No person shall have in their possession more than ten mourning doves, while they are in the hunting area. [Eff 9/28/81; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §§183D-3, 183D-32, 50 CFR §20.21)

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§13-122-9.1 Nuisance or crop damage. (a) The board or its authorized representative, upon receipt of written notice of nuisance or damage to crops, vegetative habitat, or native plants by game birds, shall initiate an investigation of the damage or nuisance and, based on the investigation, may issue a permit or permits authorizing the destruction or control of game birds responsible for the damage or nuisance.

(b) The method of destruction or control shall be stated on the permit together with any other terms and conditions the board or its authorized representative may deem proper and applicable. [Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §§183D-3, 183D-21, 183D-61)

§13-122-9.2 Scientific collection. (a) Authorized employees or agents of the division may take game birds for scientific, educational, and propagation purposes approved by the board.

(b) The board or its authorized representative, upon receipt of written requests or applications, may issue permits or licenses to scientific or educational institutions or individuals to collect a designated number of game birds for purposes approved by the board. [Eff and comp Nov 06 1999] (Auth: HRS §§183D-3, 183D-61) (Imp: HRS §183D-3)

§13-122-10 Penalty. Any person violating any of the provisions of this subchapter shall be subject to penalties as provided in section 183D-

## SUBCHAPTER 2.

### PUBLIC HUNTING AREAS

§13-122-11 Designations of public hunting areas. (a) This subchapter designates the public hunting areas

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open to game bird hunting within the State of Hawaii and regulates the activities therein.

(b) Public hunting areas are shown in the following exhibits, which are located at the end of this chapter and by reference made a part hereof:

(1) Chapter 122, Exhibit 2. "Showing public hunting areas for game birds on the island of Hawaii." (Nov 06 1999 );

(2) Chapter 122, Exhibit 4. "Showing public hunting areas for game birds on the island of Maui." (Nov 06 1999 );

(3) Chapter 122, Exhibit 6. "Showing public hunting areas for game birds on the island of Molokai." (Nov 06 1999 );

(4) Chapter 122, Exhibit 8. "Showing public hunting areas for game birds on the island of Lanai." (Nov 06 1999 );

(5) Chapter 122, Exhibit 10. "Showing public hunting areas for game birds on the island of Oahu." (Nov 06 1999 ); and

(6) Chapter 122, Exhibit 12. "Showing public hunting areas for game birds on the island of Kauai." (Nov 06 1999 ) [Eff 9/28/81; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

§13-122-11.1 Public hunting areas on the island of Hawaii. (a) Unit A on the island of Hawaii (Exhibit 2) consists of the Mauna Kea Game Management Area.

(b) Unit B on the island of Hawaii (Exhibit 2) consists of:

- (1) Kohala Forest Reserve;
- (2) Portions of the Hamakua Forest Reserve;
- (3) Manowaialee Forest Reserve;
- (4) Hilo Forest Reserve excluding Unit C portions of Piha and Laupahoehoe;
- (5) Waiakea Forest Reserve;
- (6) Olaa Forest Reserve;
- (7) Kapapala Forest Reserve;
- (8) Kau Forest Reserve;
- (9) South Kona Forest Reserve;
- (10) Portions of Upper Waiakea Forest Reserve between Tree Planting and Kulani Powerline Roads;
- (11) Honuaula Forest Reserve; and

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(12) Unencumbered portions of Manuka, Kaulanamauna, and Kipahoehoe.

(c) Unit C on the island of Hawaii (Exhibit 2) consists of:

- (1) The upper portion of the Laupahoehoe Segment of the Hilo Forest Reserve; and
- (2) The upper portion of the Piha Section of the Hilo Forest Reserve.

(d) Unit D on the island of Hawaii (Exhibit 2) consists of:

- (1) Hilo Restricted Watershed;

(2) Haao Spring Restricted Watershed;

(3) A portion of Kohala Restricted Watershed; and

(4) Keohana Forest Reserve.

(e) Unit E on the island of Hawaii (Exhibit 2) consists of:

(1) Puuanahulu Game Management Area;

(2) Pohakuloa Game Management Area;

(3) Pohakuloa Training Areas 1-20 and 22; and

(4) Portions of the Mauna Loa Game Management Area,  
including Kipuka Ainaho.

(f) Unit F on the island of Hawaii (Exhibit 2) consists of Area 21 and the Redleg portion of the Pohakuloa Training Area.

(g) Unit G on the island of Hawaii (Exhibit 2) consists of the Kaohe Horse Pasture Game Management Area.

(h) Unit H on the island of Hawaii (Exhibit 2) consists of the Kulani Buffer Zone.

(i) Unit I on the island of Hawaii (Exhibit 2) consists of:

(1) Portions of the Hamakua Forest Reserve known as Kalopa and Honokaa;

(2) Nanawale Forest Reserve; and

(3) Malama Ki Forest Reserve.

(j) Unit J on the island of Hawaii (Exhibit 2) consists of cooperative game management areas and designated sanctuaries.

(k) Unit K on the island of Hawaii (Exhibit 2) consists of:

(1) Puu O Umi Natural Area Reserve;

(2) Waiakea 1942 Lava Flow Natural Area Reserve;

(3) Kahaualea Natural Area Reserve;

(4) Kipahoe Natural Area Reserve;

(5) Laupahoehoe Natural Area Reserve;

(6) Manuka Natural Area Reserve;

(7) Mauna Kea Ice Age Natural Area Reserve; and

(8) Puu Makaala Natural Area Reserve. [Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

§13-122-11.2 Public hunting areas on Maui. (a) Unit C on the island of Maui (Exhibit 4) consists of a portion of the Kula Forest Reserve including the Papaanui Tract and Upper Nakula and 940 acres of Kaonoulu Ranch connecting the northern and southern portions of the Kula Forest Reserve making it a contiguous unit.

(b) Unit F on the island of Maui (Exhibit 4) consists of the Kahakuloa Game Management Area.

(c) Unit N on the island of Maui (Exhibit 4) consists of the Kahakuloa Natural Area Reserve (NAR). [Eff 9/28/81; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

§13-122-11.3 Public hunting areas on Molokai. (a) Unit C on the island of Molokai (Exhibit 6) consists of the State-owned or State-controlled portions of the Molokai Forest Reserve which are included in Kalawao County.

(b) Unit D on the island of Molokai (Exhibit 6) consists of the State-owned or State-controlled lands of Kawela, Makakupaia, Kalamaula, Kahanui and Kaunakakai which lie north of the Maunahui Forest Access Road and east from Kalahuapueo to Makakupaia between The Nature Conservancy Kamakou Preserve and the Molokai Forest Reserve Boundary.

(c) Unit E on the island of Molokai (Exhibit 6) consists of the State-owned or State-controlled lands of Kawela, Makakupaia, Kamiloloa, Kapaakea, and Kaunakakai, makai (south) of the Maunahui Forest Road, which are included in the Molokai Forest Reserve. [Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS 183D-4)

§13-122-11.4 Public hunting areas on Lanai. (a) Unit 1 on the island of Lanai (Exhibit 8) consists of the portion of the Lanai Cooperative Game Management

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Area between the Kaumalapau Highway and Polihua Road at the entrance to the Kanepuu Forest, with the eastern boundary being three-hundred feet makai of and parallel to the Guard Road, and five-hundred feet mauka of the coast from Polihua Road to Kaena Point.

(b) Unit 2 on the island of Lanai (Exhibit 8) consists of the portion of the Lanai Cooperative Game Management Area between Polihua Road at the Guard Road and continuing three-hundred feet makai of and parallel to the Guard Road to the horse pasture fence and along the fencing of the pasture to Mahana and five-hundred feet mauka along the coast from Federation Camp to Polihua Road.

(c) The seven units of the Kanepuu Preserve operated by The Nature Conservancy of Hawaii are excluded from the Lanai Cooperative Game Management Area. [Eff 9/28/81; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

§13-122-11.5 Public hunting areas on Oahu. (a) Unit 1 on the island of Oahu (Exhibit 10) consists of a portion of the Kuaokala Game Management Area and the Kuaokala Forest Reserve, east of Manini Gulch and a portion of the Mokuleia Forest Reserve west of the paved road leading from Peacock Flats to the Old Radar Station.

(b) Unit 2 on the island of Oahu (Exhibit 10) consists of the Mokuleia Forest Reserve east of the paved road leading from Peacock Flats to the Old Radar Station.

(c) Unit 3 on the island of Oahu (Exhibit 10) consists of a portion of the Makua-Keaau Forest Reserve.

(d) Unit 4 on the island of Oahu (Exhibit 10) consists of a portion of the Waianae Kai Forest Reserve and the surrendered lands known as Lion Country [Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

§13-122-11.6 Public hunting areas on Kauai. (a) Unit A on the island of Kauai (Exhibit 12) consists of that portion of Puu Ka Pele Forest Reserve lying west of the three-thousand foot Contour Road in Puu Ka Pele Forest Reserve between Kauhao Ridge Road and Papaalai

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Ridge Road and west of the Kokee Ditch between Papaalai Road and the Hawaiian Homestead Boundary Intersection at Kapue Valley, and south of Kauaho Stream, including the Kekaha Game Management Area.

(b) Unit B on the island of Kauai (Exhibit 12) consists of those State-owned portions of the Na Pali-Kona Forest Reserve and Puu Ka Pele Forest Reserve, which lie east of Waimea Canyon State Park and Kokee State Park, west of the Alakai Wilderness Preserve, south of Mohihi Stream and north of Waialae Stream.

(c) Unit E on the island of Kauai (Exhibit 12) is the Mokihana Ridge Game Management Area, which includes those State-owned lands within Waimea Canyon lying south of Waialae Stream west of the boundary fence, which runs southerly from Kalehuahakihaki along the Mokihana Cart Road to fourteen-hundred feet elevation and west of the pali, which runs parallel and one-thousand feet to the east of the Mokihana Stream to Waimea River; and those lands east of the six-hundred foot elevation contour between Waimea Ditch Intake and the Puu Ka Pele Forest Reserve Boundary.

(d) Unit F (Archery only) on the island of Kauai (Exhibit 12) consists of those State-owned lands within Waimea Canyon lying south of Puu Ka Pele Forest Reserve, west of Hunting Unit E (Mokihana Ridge Game Management Area), north of a line due west of Waimea "Obake" Swinging Bridge and east of the Waimea Heights Road and Waimea Canyon State Park.

(e) Unit H on the island of Kauai (Exhibit 12) consists of those parts of the Puu Ka Pele Forest Reserve, the Na Pali Kona Forest Reserve, and the Kuia Natural Area Reserve, which lie north of Kauhao Stream and south of Kalalau Valley (Kalepa Ridge Line), and west of Kokee State Park, including areas known as Makaha Ridge, Milolii Ridge, Nualolo, Awaawapuhi, and Honopu.

(f) Unit I on the island of Kauai (Exhibit 12) consists of the Wailua Game Management Area. (Hunting may be closed in specific paddocks posted with "No Hunting" signs). [Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

(g) Unit J on the island of Kauai (Exhibit 2) consists of that portion of Puu Ka Pele Forest Reserve and Waimea Canyon State Park lying south of Kauhao Valley, east of the three-thousand foot Contour Road between Kauhao Ridge Road and Papaalai Ridge Road, and east of the Kokee Ditch between Papaalai Ridge Road and



Kitano Reservoir, and west of State Highway 550.

§13-122-11.7 Other public hunting areas. Hunting may be permitted on such other lands as the board may establish and designate. [Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

§13-122-11.8 Safety Zones. No person shall discharge any weapon within any designated safety zone or within a designated hunting area, except as permitted by these rules.

(a) On the island of Kauai, designated safety zones are as follows:

- (1) A zone fifty yards from any inhabited building or paved road, except that the safety zone on Makaha Ridge is fifty feet from the paved road;
- (2) All sugar cane fields within or adjacent to public hunting areas;
- (3) A one-half mile strip east of the Kokee Road along the rim of Waimea Canyon between Halemanu and Kukui Trail;
- (4) A one-half mile strip around the Hawaiian Homes Pasture Lease Lands, located at Puu Opae within Kekaha Game Management Area, except that the northern boundary of the safety zone is the Haleiele Valley Bottom;
- (5) Those lands between the Waimea Heights Road and the Kokee Road; and
- (6) Makaha Ridge Military Reservation.

(b) On the island of Oahu designated safety zones are as follows:

- (1) A zone fifty yards from any paved road or building, except that the safety zone around the Kaena Point Satellite Tracking Station is two-hundred yards wide;
- (2) A zone one-hundred yards from the Peacock Flats Picnic and Camp Site Area; and
- (3) A zone one-hundred yards from the Old Radar Station and a zone fifty yards on each side of the paved road to the Old Nike Radar Site.

(c) On the island of Maui, designated safety zones are as follows:

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(1) Polipoli State Park - A distance of one-hundred feet from the picnic and camping area, parking lot, and cabin;

(2) A zone fifty yards wide mauka along Kahekili Highway in the Kahakuloa Game Management Area. The area north (makai) of Kahekili Highway is closed to hunting; and

(3) A zone fifty yards wide on either side of the Waipoli Access Road in Unit C up to the forest boundary.

(d) On the island of Molokai, designated safety zones are as follows:

(1) A zone five-hundred feet wide surrounding the Boy Scout Camp at Kaunakakai;

(2) A zone five-hundred feet wide surrounding the Sandal Wood Pit at Kamiloloa; and

(3) A zone five-hundred feet wide surrounding Waikolu Park in Makakupaia.

(e) On the island of Lanai, designated safety zones are as follows:

(1) A strip five-hundred feet wide bordering portions of the Kaumalapau Highway and Keomuku Highway;

(2) The entire breadth of the Kanepuu Forest between the Guard Road and the Nature Conservancy Kanepuu Preserve; and

(3) The entire Federation Camp is within the safety zone.

(f) On the island of Hawaii, designated safety zones unless otherwise posted or announced are fifty yards from any paved road or building when hunting with a shotgun or bow and arrow.

(g) Any other area in the State that may be designated as a safety zone by the division.

[Eff and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-4)

§13-122-12 Conditions and restrictions.

(a) With respect to hunting licenses, permits, and check stations, the following conditions and restrictions shall apply:

(1) Hunters shall carry their appropriate hunting license, as well as required permits or tags on their person at all times while in the hunting area. Hunting permits, stamps, and

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tags are not transferable and are valid only for the dates indicated and for the person to whom issued. Stamps, when they are required, shall be signed on the front in ink by the person to whom issued, and shall be affixed to the front of the person's hunting license in the space provided;

(2) Each hunter and hunter assistant shall check in before hunting and check out after hunting at the same established checking station. Each hunter shall provide all information requested on forms and permit the inspection of their game and weapon by an authorized representative of the department, and fill out and return any hunter report form received in the mail;

(3) Hunters may be required to obtain permits from the division or its authorized representative for entry into any restricted watershed; and

(4) Before anyone may be issued a hunting license or permit, the person shall agree to comply with all the terms and conditions of the applicable license or permit, as well as applicable laws and regulations, and consent to be subject to inspection by a duly authorized representative of the department.

(b) With respect to weapons, the following conditions and restrictions shall apply:

(1) No person shall possess or discharge any firearm within any public hunting area, without having a valid Hawaii State hunting license in their possession;

(2) Legal game bird hunting weapons include shotguns and bows and arrows;

(3) No person shall possess any arrows equipped with explosive heads or heads containing drugs or poison;

(4) While hunting, each hunter shall be limited to carrying on their person only legal weapons that are consistent with the hunt. In addition, each hunter is required to make their weapon, cartridges or muzzleloader firing components, game and license available for inspection, upon the request of a duly authorized representative of the department. Refusal to permit said inspection shall be considered a game law violation and may result

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in the revocation of hunting privileges by the department, after notice and hearing;

(5) When hunting with a bow, no person shall use:

(A) Long bows with less than forty pounds of drawing tension at a twenty-eight inch draw;

(B) Recurved bows with less than thirty-five pounds of drawing tension; or

(C) Compound bows with less than thirty pounds of drawing tension.

(6) A firearm that utilizes cartridges shall be considered unloaded if no ammunition is in the chamber or an attached magazine. A muzzle loading firearm is considered unloaded if the ignition component (primer, percussion cap or priming powder) is removed from the ignition system and for flintlocks the powder is removed from the pan, the frizzen is up and the cock (hammer) is down. "Cartridge firing" and "muzzleloading" firearms must be unloaded just as described above to enter any safety zone or to transport the firearm in a vehicle within the hunting area. However, when crossing or entering a public highway or exiting a public hunting area, all fireable cartridges and muzzleloader firing components must be removed from the firearm, including powder and projectile(s).

(7) A bow shall be considered loaded if an arrow is nocked on the bowstring; and

(8) No person shall possess any rifle, combination-

rifle firearm, rifled slugs buckshot or altered shotgun shells where game mammal hunting is closed. Only the weapons that are authorized for the particular hunt are to be in the hunter's possession while in the hunting area.

(c) With respect to vehicles and carriers, the following conditions and restrictions shall apply:

(1) When required, only four-wheel drive vehicles will be permitted;

(2) No person shall operate any motorized vehicle (including, but not limited to motorcycles and all-terrain vehicles) in any hunting area except on roads which have been constructed, maintained and opened for vehicular use. However, vehicles may be parked within twenty

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feet of maintained roads; and

(3) No person shall have or carry any loaded weapon on horseback, in any vehicle or any other carrier or discharge any weapon from any carrier in any hunting area. It is also illegal to discharge any weapon into any hunting area from any place outside of the hunting area.

(d) With respect to safety zones and restricted areas, the following conditions and restrictions shall apply:

(1) No person shall possess a loaded weapon or discharge any weapon into, across, or within a designated safety zone or restricted area; and

(2) On the island of Kauai, no person shall possess a firearm within Kekaha Sugar Company cane fields, on cane field roads, or within the Hawaiian Home Lands Safety Zone. Hunters may possess unloaded firearms while traveling on approved access routes into Unit A, including the Kokee Road-Marine Road access route or the Mana Tunnels (Kaawaloa, Nahomalu, or Kahelunui Valleys) or the Polihale Beach State Park Access to Haeleele and Kaulaulu Valleys.

(e) With respect to the disposition of game, the following conditions and restrictions shall apply:

(1) No person shall sell or attempt to sell any game bird or the carcass thereof, taken within any public hunting area;

(2) No person shall remove any live game bird from any public hunting area at any time, except with a collection permit; and

(3) The fully feathered head of any game bird, taken from any public hunting area, shall remain attached to the bird as evidence of sex and species while in the hunting area.

(f) The following general restrictions shall also apply:

(1) No person shall use a dog, electronic call, or live decoys during the Spring Turkey Hunt;

(2) With the exception of Spring Turkey Hunting or designated archery areas, no person shall hunt, serve as a guide, accompany, or assist a hunter in any hunting area, where firearms are permitted, without wearing an exterior garment (shirt, vest, jacket, or coat) made of

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commercially manufactured, blaze-orange material or solid blaze-orange mesh material with a maximum mesh size of one-eighth inch. (All types of camouflage orange are prohibited for these garments). When carrying game or wearing a back pack, the blaze-orange on the upper torso must be visible from both front and back.

(3) Persons found to be in violation of any provision of this chapter may have their hunting privileges revoked by the department, after notice and hearing. The department may reinstate revoked hunting privileges upon subsequent completion of a State-approved hunter education course. Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by section 199-7 and chapter 712A, Hawaii Revised Statutes;

(4) No person shall be in possession of an open or unsealed vessel or container of any intoxicating

substance or use any such substance, while they are within a public hunting area; and

(5) Unless prohibited, non-hunters and hunter assistants may accompany hunters in the field. Non-hunters and hunter assistants must also wear the appropriate blaze-orange outer garment and are prohibited from carrying any loaded weapon and ammunition. On the island of Lanai, hunter assistants are also required to have a valid hunting license and a special hunter assistant certificate in their possession.

(g) The following conditions and restrictions shall apply to the use of dogs while hunting:

(1) Dogs shall be restrained while traveling to and from the hunting area and within the hunting area when not actually hunting; and

(2) The dog's owner or handler shall at all times accompany any hunting dog and the dog's owner shall be held strictly liable for all actions, injuries or damages caused by the owner's dog while in the hunting area.

(h) The following additional conditions and

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restrictions shall apply to game bird hunting on the island of Maui:

(1) Hunters, staying at the Polipoli State Park on hunting days, shall indicate their overnight stay on the check-in sheet at the hunter checking station;

(2) Persons, hunting in the Kahakuloa Game Management Area, shall check out at the hunter checking station no later than 6:00 p.m.; and

(3) Only four-wheel drive vehicles will be permitted on the Kahakuloa Game Management Area access road.

(i) The following additional condition and restriction shall apply to game bird hunting on the island of Molokai:

(1) Hunters using the self checking stations shall check out no later than 6:30 p.m.

(j) The following additional conditions and restrictions shall apply

to game bird hunting on the island of Kauai:

(1) No person, except authorized employees of the department or its lessees, shall use a motor vehicle in the Mokihana Ridge Game Management Area; and

(2) No person shall enter the Kekaha Game Management Area, except that hunters with valid hunting licenses may enter during legal hunting days and authorized employees of the department and its lessees or permittees, may enter at any time. [Eff 9/28/81; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS: §§183D-3, 183D-25, 183D-32)

§13-122-13 Preservation of public and private property. The following actions are prohibited within a public hunting area:

(1) The damage or disturbance of any property or improvement, including but not limited to litter including hunter checking station sign in sheets, water facilities, signs, equipment, fences, gates, buildings, food crop plantings, structures or the failure to leave gates as found;

(2) The dumping or disposing of any trash and any other waste materials except in receptacles

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provided for dumping or disposal purposes;

(3) The removal, damage, or disturbance of any objects of antiquity, prehistoric ruins, fossil remains, monuments or burial sites;

(4) The discarding of lighted cigarettes, cigars, smoking tobacco, matches or setting off of any explosives within or into any public hunting area;

(5) The building of any ground fires except where permitted in designated camping areas; and

(6) Camping overnight except in designated areas or as provided in permits issued by the department or its authorized representative. [Eff. 9/28/81; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp HRS §183D-4)



§13-122-14 Penalty. Any person violating any of the provisions of this subchapter shall be subject to penalties as provided in section 183D-5, Hawaii

Revised Statutes. [Eff. 9/28/1981; am and comp Nov 06 1999] (Auth: HRS §183D-3) (Imp: HRS §183D-5)

### SUBCHAPTER 3

#### FIELD TRIALS AND COMMERCIAL SHOOTING PRESERVES

§13-122-15 Field trials. (a) Any organization, which has filed the names of its officers with the board or its authorized representative and has been in operation and existence for longer than six months prior to filing of the application, may apply for a permit to hold a field trial.

(b) The application shall state the days on which the field trial is to be held, the location of the field trial, and the application shall be signed by the person or persons responsible for conducting the field trial.

(c) Upon receipt of an application, the division may issue a permit which shall contain:

(1) The name of the agent or agents of the division, who shall supervise the field trials;

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(2) The name of the organization;

(3) The area and the dates of the field trial;

(4) The number and sex of each species of farm raised birds which are to be released;

(5) An agreement to be signed by the person or persons responsible for the field trial, agreeing to defend,

indemnify, and hold the State harmless from any claims, demands or actions arising out of or related in any way to the field trials;

(6) An agreement which allows a representative of the division access to the field trial and its related activities; and

(7) Any other terms and conditions as specified by the division.

(d) The organization shall obtain, in an amount to be set by the division, public liability insurance to cover the organization, its members, and the State.

(e) The organization shall release in the same area, within one month after the field trial, three times the number of unbanded birds shot in the field trial.

(f) Any birds that are released for the field trial and not shot may be used as replacements.

(g) The shooting of hen pheasants at field trials is permitted.

(h) All birds released in accordance with the provisions of this section shall be banded by an agent of the division prior to release. The division or its authorized representative may waive this requirement.

(i) All game birds to be released may be subject to spot checks by an accredited veterinarian, at State expense. If problems are found, said birds shall not be released unless cleared by the veterinarian.

[Eff. 9/28/81; am and comp Nov 06 1999] Auth: HRS §183D-3) (Imp: HRS §§183D-3, 183D-32)

§13-122-16 Private and commercial shooting preserves. (a) Private or commercial shooting preserves may be established with the approval of the division.

(b) A written application shall be filed with the division. The application shall contain the name of the person or organization operating the shooting preserve, and the name, location, and legal description and

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boundaries of the preserve.

(c) The division shall issue a license only after it has been determined that the location of the shooting preserve is suitable for the purpose specified in the application and that the birds to be released will be properly banded, if required by the division. Birds to be released may be subject to spot checks by an accredited veterinarian at State expense. If problems are found, said birds shall not be released unless cleared by the veterinarian.

(d) Upon approval by the division, a license shall be issued pursuant to section 183D-34, Hawaii Revised Statutes.

(e) The licensee shall comply with the provisions of Chapter 183D, Hawaii Revised Statutes and all applicable rules.

(f) The licensee shall notify the division of the species of birds to be released and shall provide quarterly reports of the number and species of birds taken and the number of birds released as replacement stock.

(g) The shooting of hen pheasants in shooting preserves is permitted.

(h) The licensee shall replace and release three birds of the same species for every unbanded bird shot. Areas for release of replacements shall be designated by the division. Any banded birds released and not shot may be used as replacements.

(i) The licensee shall issue receipts to participants at the end of each hunting day giving the band numbers, date, and species of game birds taken. Bands shall be as specified by the division.

(j) A licensee's license may be revoked for violation of any provision of this section.

(k) Hunting hours in private and commercial shooting preserves shall be daily between one-half hour before sunrise and one-half hour after sunset. Hunting is prohibited from one-half hour after sunset to one-half hour before sunrise.

(l) The licensee shall comply with any other terms and conditions as specified by the division. [Eff. 9/28/81; am and comp Nov 06 1999]  
Auth: HRS §183D-3) (Imp: HRS §§ 183D-3, 183D-27, 183D-32, 183D-34)

§13-122-17 Penalty. Any person violating any of

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the provisions of this subchapter shall be subject to penalties as provided in section 183D-5, Hawaii Revised Statutes." [Eff 9/28/81; am and comp Nov 06 1999]

(Auth: HRS §183D-3) (Imp: HRS §183D-5)

1. Material, except source notes, to be repealed is bracketed. New material is underscored.

2. Additions to update source notes to reflect these amendments and compilations are not underscored.


3. These amendments to and compilation of Chapter 122, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.


DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to and compilation of chapter 122, title 13, Hawaii Administrative Rules, titled Rules Regulating Game Bird Hunting, Field Trials and Commercial Shooting Preserves, on the Summary Page dated Oct 20 1999 were adopted on Nov 06 1999 following public hearings held in Hilo, Hawaii on March 8, 1999, Kona, Hawaii, on March 9, 1999, Lanai City Lanai on March 11, 1999, Kaunakakai, Molokai on March 15, 1999, Honolulu, Oahu on March 16, 1999, and Lihue, Kauai on March 23, 1999, after public notice was given in the "Honolulu Advertiser," "Hawaii Herald Tribune," "West Hawaii Today," "Maui News," "Molokai Dispatch," and The "Garden Island" on February 7, 1999.

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TIMOTHY E. JOHNS  
Chairperson of the Board of  
Land and Natural Resources

  
BENJAMIN J. CAYETANO  
Governor  
State of Hawaii  
Date: 10/27/99

APPROVED AS TO FORM

  
Deputy Attorney General

OCT 27 1999

Filed

## **DOFAW Administrative Rules Index**